Docket No.: 058799-0102 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Yoshinori ISHIKAWA, et al.	:	Confirmation Number: 4307
Application No.: 10/720,147	:	Group Art Unit: 2185
	:	Allowed: June 12, 2006
Filed: November 25, 2003	:	Examiner: H. C. Kim

For: CONTROL APPARATUS FOR SELECTIVELY OPERATING WITH PROGRAM DATA FROM TWO MEMORIES AND HAVING A SYSTEM CONTROLLER SUPPLYING PROGRAM DATA AND ADDRESS FOR WRITING THE DATA TO THE SECOND MEMORY (Amended)

REPLY TO NOTICE OF ALLOWABILITY

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The requirement in Paragraph 4 in the Notice of Allowability dated June 12, 2006, for an update of the cross-reference to the parent of this application to show the current status of the parent application, is respectfully traversed. By Amendment submitted May 18, 2006, Applicants revised the specification's cross-reference to the parent of this application by indicating that the parent application issued as U.S. Patent No. 6,665,237. Hence, the requirement in Paragraph 4 in the Notice of Allowability dated June 12, 2006 was previously met.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

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Phone: 202.756.8000 KEG:cg
Facsimile: 202.756.8087
Date: August 4, 2006

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE UNDER 37 C.F.R. § 104(e)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the June 12, 2006 Notice of Allowability regarding the above-identified application. Applicants agree that the claims are allowable over the art. However, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the stated reasoning.

The Statement twice indicated that the assertions of patentability in the May 18, 2006 amendment were found to be persuasive. Since the Notice of Allowability was issued in response to that amendment, it should be self evident that the remarks accompanying the amendment were persuasive. The Statement also included a comment that "the allowance of the claims over the prior art of record is believed to be clear from the prosecution records taken as a

whole." Presumably, this means that the record is clear. Hence, further statements as to reasons for allowance should have been unnecessary.

However, the Statement also stated that:

> ... none of the prior art of record teaches or fairly suggests a control apparatus comprises a[sic] first and second memories, a writing means, a first selection means, a control means, a system controller and a second selection means as described in the specification together with combination of other claimed element set forth in the claims.

Such a general statement of a single rationale for patentability with respect to all of the allowed claims overlooks differences as to language and scope of the claims and it is submitted that each claim is independently patentable in its own right, not just for one general reason as suggested by the Statement. Further, this recitation in the statement seems to reference the disclosure. It is the claims that are allowed, and limitations should not be imported into the claims from the disclosure. The above-quoted wording in the Statement does not track the wording of the allowed claims and as such may not accurately reflect the claim scope and should not be viewed as placing emphasis on any particular elements such as the first memory, the first selection means, or the control means. Also, the Statement's reference to the "combination" should not be construed as placing any additional weight on other individual elements of the claim, and as such, should not impose any cumulative requirement for patentability or related estoppel with regard to other claim elements.

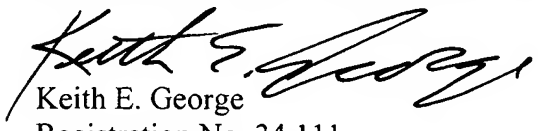
The patentable language of the allowed claims is already of record in the case and is adequately clear. Applicants' positions on patentability are already on the record and have been found persuasive. The Statement should not be viewed as suggesting any claim interpretation or estoppel with regard to any of the allowed claims, particularly to the extent if any that the Statement may differ from the proper claim construction. It is respectfully submitted that the

allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants' prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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